

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

**MICHAEL LANON FORD
ADC #103053**

PLAINTIFF

v.

Case No. 1:18-cv-00046-KGB

LEVI LANGSTON, *et al.*,

DEFENDANTS

ORDER

Before the Court is the Recommended Disposition submitted by United States Magistrate Judge J. Thomas Ray (Dkt. No. 16). Plaintiff Michael Lanon Ford filed an objection to the Recommended Disposition, a motion to extend time, and two motions for subpoena (Dkt. Nos. 18, 19, 20, 21). After careful review of the Recommended Disposition, a *de novo* review of the record, and a review of the objection, the Court adopts the Recommended Disposition as its findings in all respects (Dkt. No. 16). Furthermore, the Court denies Mr. Ford's motion to extend time and motions for subpoena (Dkt. Nos. 19, 20). The Court also denies as moot Mr. Ford's motion to proceed *in forma pauperis* (Dkt. No. 22). Mr. Ford was granted permission to proceed *in forma pauperis* by prior Order (Dkt. No. 8).

The Court writes briefly to address Mr. Ford's objection and motion to extend time. In his objection, Mr. Ford states that the Court should "recognize that a very important piece of information is the 'work history reports' of the Defendants that will show incidents of racial discrimination." (Dkt. No. 18, at 1). Mr. Ford also writes in his objection that he "is actively seeking witness statements and aff[ir]idavits from other inmates" and that "A.D.C. and north central unit have effectively hindered the plaintiff's ability to prosecute this case in an effective manner." (*Id.*). In his motion to extend time, Mr. Ford states that he requires 30 additional days to collect defendants' "work history reports" and disciplinary history to show their "acts of 'aggression' and

‘racism.’” (Dkt. No. 19, at 1). Also, in this motion, he requests additional time to collect witness statements and affidavits from other inmates (*Id.*). In his first motion for subpoena, Mr. Ford indicates that he would like a subpoena for documents and records from the North Central Unit regarding defendant Levi Langston and asserts that these documents and records provide essential information for Mr. Ford’s case (Dkt. No. 20, at 1). In his second motion for subpoena, he states that he would like to depose defendant Levi Langston (Dkt. No. 21, at 1).

The Court overrules Mr. Ford’s objection, denies his motion to extend time, and denies his motions for subpoena (Dkt. Nos. 18, 19, 20, 21). The Recommended Disposition recommends dismissal of Mr. Ford’s *pro se* complaint and amended complaints on the grounds that Mr. Ford’s pleadings have failed to state claims upon which relief may be granted (Dkt. No. 16). Mr. Ford’s objection, motion to extend time, and motions for subpoena relate to his desire to gather additional evidence; such evidence gathering will not, without repleading, resolve Mr. Ford’s failure to state claims upon which relief may be granted. For these reasons, the Court overrules Mr. Ford’s objection, denies his motion to extend, and denies his motions for subpoena (Dkt. Nos. 18, 19, 20, 21).

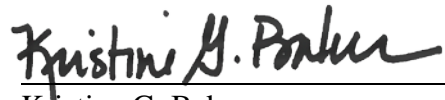
It is therefore ordered that:

1. The Court adopts the Recommended Disposition as its findings in all respects (Dkt. No. 16);
2. Mr. Ford’s complaint and amended complaints are dismissed without prejudice for failing to state claims upon which relief may be granted (Dkt. Nos. 1, 7, 11, 13);
3. This dismissal constitutes a “strike” pursuant to 28 U.S.C. § 1915(g);
4. Mr. Ford’s motion to extend time is denied (Dkt. No. 19);
5. Mr. Ford’s motions for subpoena are denied (Dkt. No. 20, 21);

6. Mr. Ford's motion to proceed *in forma pauperis* is denied as moot (Dkt. No. 22);

7. The Court certifies that, pursuant to 28 U.S.C. § 1915(a)(3), an *in forma pauperis* appeal from this Order and any accompanying Judgment would not be taken in good faith.

So ordered this the 10th day of February, 2020.

A handwritten signature in black ink, reading "Kristine G. Baker", written over a horizontal line.

Kristine G. Baker
United States District Judge